

1870-005 Chancery Cause: Henry Bagby vs. Adms. of Charles Cook  
Lee Co.

CA-Business Dissolution

Virginia Lee county, Tenn

To the worshipful county court of said county in chancery, sitting, your orator Henry Bagly humbly complaining represents to your worship, that previous & up to October 1857, himself and Charles Cook Jr were in partnership in the Tanning Business in Lee county, about Oct 1857 they dissolved the partnership & ceased to prosecute said Business, and settled up said partnership liabilities, and ascertained the worth of their said Business, which consisted of divers debts, notes and accounts on customers, your orator was about to leave the county and therefore could not settle up & collect their debts, it was therefore agreed that the said Cook, should take possession of their notes accounts and Books, and settle & collect the money coming to them, and after paying off certain sums herein after named & returning 10 per cent for his services in collecting, he was to pay over the one half of the net balance to your orator, a list of the notes and accounts due them was made on the 28th of October 1857 and all were placed in the hands of said Cook to settle up & collect & pay out & over as stated in a writing at the bottom or last part of said list the list or statement is in the hand writing of said Cook & signed with his own name & in his hand writing, and is here filed marked A and made a part of this



Bill, your orator further represents, that a debt due the copartnership, of \$75 or \$80, on H. B. Allen went into the hands of said bank, that he some how failed to insert in the list, referred to, in addition to these debts due the copartnership, one Achules Hann had bought a lot of sheep of your orator, then running in the mountains, and agreed to gather them up and pay to said bank for your orator & bank agreed to receive for him \$1.00 per each sheep that said Hann got, and pay it to your orator, this last matter did not belong to the partnership, but was an individual debt due your orator, & placed in bank hands as agent to collect, your orator charges that by reference to the list or statement made of the debts due the partnership, as shown in Exhibit A, there was \$1266.63 etc besides interest accrued thereon of notes belonging to them that bank received; subject to credits of \$158.81 leaving a balance of principal due them on the notes of \$1106.82. There was also of acts due them on customers that went into his hands \$190.92 subject to credits thereon \$14.87 There was also notes & accounts of C. Bank & Co due the partnership of Bank & your orator amounting to \$217.53 subject to a credit of \$80.83 for notes lifted after the list had been made & before signed, your orator further charges, that ~~part~~ of the said sums and subjects herein before stated Bank was to collect them as diligently as possible

and such as he could not collect by force collections, he had plenary powers to share sell at discount, commute, or to act there with as his discretion indicated to be for the interest of the copartnership to do, out of the money collected, he was to retain to himself \$90.36 to equalize himself with your orator, in some matter previous thereto & for him doing the business he was to retain 10 percent for all actual collections, he was ~~out~~ of the net balance to equally divide it between himself & your orator & of your orator's half pay Jones & Dillard \$18.37 your orator owed them, your orator charges said bank went on and collected & settled said debts coming to the firm or the greatest part thereof, he however died intestate about the day of 1867 without having settled up & accounted for your orator's part thereof, and after his death John M. Bank & Charles F. Bank were appointed & qualified his administrators as such ~~and~~ appointed his ~~and~~ and good life ~~and~~ and received all his papers Bank & Co and with the others the uncollected notes & accounts due the partnership of said Bank & your orator, and has since went on and collected and received money thereon, But no account has ever been rendered to your orator of the sums collected, by either Charles Bank in his lifetime or his administrators.



since his death, nor of the sums if any paid  
out for your orator, he is remediless at  
the common law & can only have a proper  
account taken by & before a commissioner  
of this most shipful court, his prayer is that  
your worship take jurisdiction of the case  
& cause the matters of account therein to be  
settled by a commissioner of your court. The  
representatives of deceased ordered & decreed to  
pay to your orator such sums as may appe-  
ar to be due him & he prays for such other  
further & different relief as to equity and  
good conscience may seem meet, To that  
end he makes John M<sup>r</sup> & Charles F. Cook defendants  
defendants hereto prays that they answer this  
Bill & shew in their answer, how much Char-  
les Cook or in his life collected on said  
debts, what of the sums he was to pay  
for your orator he has paid & file vouchers  
therefor, also what debts came to the hands  
of his personal representatives & what sums  
they collected & what they have paid  
if any thing for your orator that was to  
be paid & file vouchers for it, he prays that  
they file a list of the debts uncollected  
& shew why they were not collected, what  
ones is now collectable & what not  
and that if any that are collectable rem-  
ains due the partnership that a receiver  
be appointed to receive & collect them  
under the order of your worshipful court.  
He further prays that the defendant be compelled



to answer say whether Charles Cook Sr  
kept any account of his collections and  
disbursements made in the matter of  
partnership aforesaid, and whether or  
not he did not receive the debt on #6 Allen  
herein before spoken of, that was not  
entered on the list filed as exhibit  
(A) and what if any thing he collected  
from Charles Hamlin on account of the  
lot of sheep here in before spoken of  
He also prays that the defendant dis-  
cover, whether or not he has kept an  
account of his collections & disbursements  
on account of the partnership aforesaid  
and file the same. He states that  
Charles Cook Sr had a list also of  
the notes Cook accounted of the part-  
nership effects put into his hands, his  
list was made out first and is in  
the hand writing of James M Young in  
this list he believes & charges the debt on #6  
Allen was charged & was accidentally omitted  
from your outers list by C Cook Sr in  
copying it from Youngs list, he prays  
that the court with writ of ~~sp~~ be  
sent out against the defendants com-  
mending them to appear & answer this  
Bill & as in duty bound he will ever  
pray &c,

Burns P Q



Henry Bagley

vs Bill

C Cook

1870 May. B. filed <sup>original</sup> D. & C. Cook

June. Decree nisi Confd  
+ cause set for hearing  
July. Rule against Peff for  
costs by continued

Aug. Contd.

Sept. Dismissed at the  
Plaintiff's costs.

C 11.00

A 15.00

S 1.00

T .50

\$ 20.50



"List of note to Cough Brothers:

1 John Arey due 30 sept 1857	\$ 8.50
2 Edward Airington due 23 Jan 55	1.04
3 James E. Arnold due 25 Dec 57	3.12
4 Huse E Arnold due 12 Apr 57	3.88
5 John McAllen due 21 oct 57	17.97
6 John Barker due 24 sept 57	14.85
7 Wm Barker sr due Aug 57	3.75
8 H. B. Bell due 25 Dec 57	116.09
Wm Blalock due 12 Aug 56	1.00
Thomas Babb Jr due 28 Jan 55	6.04
<sup>credit above \$1.47 Nov 56</sup>	
John Barker due Apr 24 57	4.50
Jesse R Bloomer due 1 Jan 58	4.30
James Babb due 22 sept 57	1.90
Wm. Bishop sr due 29 may 57	3.45
Or in the same oct 6 57	\$1.00
Henry I Barker Jr due 1 July 57	2.84
Russell Barker due 9 sept 57	6.26
Granderson, Burk due 19 July 57	4.17
David Burk due 13 Apr 57	9.00
Joseph Bloomer due oct 4 57	6.85
Iraud Bledsae due 3 <sup>rd</sup> oct 57	6.34



Henry Barker due 7 oct 57	\$ 6.21
Wm. Bloomer due 7 oct 57	5.12
Nancy Bledsoe due 3 oct 57	2.25
B. W. Barker due 9 oct 1857	3.29
David Burk due 19 Dec 56	1.80
David Banner due 29 sept 57	7.44
Wm. H. Barker due 15 Nov 55-	4.00
Joel Barker due 22 march 56	4.71
C. R. Bloomer due oct 1857	27.84
G. W. Barker due 29 Apr 56	7.92
Do .. .. due 29 July 56	4.00
do .. .. due 19 sept 54	2.83
Or on above sept 2 56	\$ 1.08
Moses Byington due Nov 54	4.25
Thomas B. Barker due 19 oct 57	75
Isaac Ball due 1 Jan 58	2.50
Robert Burk due march 1855-	7.83
Wm. Childers due 7 oct 57	7.47
Berry McConell due 1 march 57	4.46
J. R. Coal due 9 Apr 57	5.82
Or on same	\$ .41
Wm. H. Carter due 20 march 57	6.84

C. H. Hill due 24 oct 57	<del>\$ 1.50</del>
G. W. Janson due 1 march 56	\$ 3.00
Brian Janson due 12 Nov 58	8.00
Edmond Leary due 30 sept 57	4.14
Ira Lawson due 1 sept 57	6.40
Vincent Lowe due 1 sept 57	9.28
Stohely Lawson due 1 Jan 58	5.60
Dyre Lawson due 1 Jan 58	2.82
Lucinda Lewis due 4 oct 57	2.75
George Lion due 25 Dec 56	7.77
Peter Lampert due 16 oct 57	4.28
J. T. Loyd due 21 oct 57	9.92
Wilkinson McElroy due 2 July 57	6.09
Samuel S. McElroy due feb 57	5.61
Alford Miner due 10 march 56	5.18
G. L. McElroy due 9 oct 57	6.37
Stephen McPherson due 1 Jan 58	17.86
James McVeely due 25 Dec 57	3.00
Lewis Miner due 1 march 56	3.48
Alford Miner due 1 march 55-	4.87
Or on same 10 oct 55-	\$ 4.20
Pleasant Meridith	.44



Robert Moore due Nov 55 \$ 8.72

or on same Dec 55 \$ 4.99

Lowan Heelroy due 1 Jan 58 10.40

Gelford Minor due 1 Nov 55 5.25

Henry Murie due 1 sept 57 6.80

Barnes Heelroy due 27 feb 57 9.17

John Moore due 12 oct 57 5.06

Thomas G. Vack due 10 oct 57 8.21

Wm Nottingham & Co due 17 oct 55 10.29

E. H. A. Vack due 5 oct 57 3.50

David McNeely due 1 Nov 55 5.71

or same July 21, 56 \$ 3.33

Wm Offord due 1 Jan 58 1.35

Edward parsons 3.65

James Riggs due 23 oct 57 53.23

Joseph G. Riggs due 19 oct 57 1.96

Robert Russell due 1 Jan 54 6.34

or on same 37 oct

J. R. & Robinson due 20 Apr 57 4.47

J. W. Robinson due 1 Nov 54 5.70

or on same Jan 1 57 \$ 3.00

Andrew Riley due 1 sept 57 82

List of accounts of C. book & others 1857

Samuel Robinson \$ 1.83

Samuel S. Gilbert 2.81

Leroy Vengble .40

James Stewart 1.85

Matison Prince 2.57

Wilkinson Heelroy .75

C. book & Hiles .75

Elisha Creek 2.17

Charles M. Hill 8.83

Thomas H. Smyth .75

J. W. Wilson .58

James Hillis .88

Walter Robins 2.55

Thomas Rogers 3.72

Heriam Mac 1.00

John Lancel 1.59

Abraham Roberts 2.67

John Heelroy 3.62

James McKinney 5.45

Jackson Gillan .50

John G. Baker 1.18



George Stapleton	\$ 50
Wm W Bell	4.50
A. D. Stout	46.93
Mitchael Cecil	1.32
John B. Hamilton	2.78
Owen Franklin	54
Frank Mitchel	2.00
John Forga	.75
James Franklin	19
Thomas Starrups	2.75
Edmond Airington	3.52
A. J. B. Kcebray	4.97
Henry Barker	.40
Robert Spear	.43
Erastus Rogers	4.92
Jefferson word	1.25
Susan word	2.50
James Garrison	.50
Isaac A Hubbard	1.25
Elisha Coss	1.25
George lions	.75
Wm. P. Winter	3.27

Green Wallen	\$ 2.50
George Hayden	.16
A. R. T. Bell	.90
John Arey	2.25
Benjamin Hill	1.48
David Banner	.75
Thomas Ash	.45
Willis Barrel	1.00
James W Yage	3.35
Robert Greary	3.33
Gammul Ward	10.46
Thomas L. Pannon	3.59
Wm L. Stubblefield	3.00
Zacariah Benton	4.09
Eli Burk	3.00
George Evans	2.00
John B Garret	1.02
John Tret	.25
Robert Nell	1.00
L. D. Arnold	.50
# Paid Dickinson settled	11.42
A. D. Stout	2.60
A. D. Stout	.25



James H. Pendleton

\$ 2,25

James Ralfe due Aug 56 \$ 3,79

James J. Rogers due 1 Nov 57 12,15

Walter Robins due 17 Dec 53 1,62

cr on same march 8 \$ .94

Solomon Robins due 1 sept 57 4,68

cr on same 1 sept 57 \$ 2,33

Harvey Steel due 26 sept 57 20,23

G. W. Stout due 1 Jan 58 11,85

Edward Smyth due 3 oct 57 1,27

C. Stanley due 1 sept 57 5,66

Hiram Simpkins due 12 oct 57 3,76

James B. Scott due 1 oct 56 2,00

Wm. W. Gage due 6 oct 57 40,00

cr on same for \$ 2,96

Hiram Spraul due 6 oct 57 6,48

Brockett, Thompson due 20 Aug 57 4,17

Wm. Templeton due 19 oct 57 2,43

George W. Thompson 1 sept 57 3,97

B. B. Taylor due 25 Dec 57 9,00

Ben. Sharps due 6 oct 57 1,60

Jas. G. Brett due 1 Jan 56 5,50

cr on same \$ 3,56



Henry Weaver due 22 July 56	\$ 3.46
do due 17 Aug 55	3.17
cr on same for \$ .30	
	4.00
Green Wallin due 1 Nov 55	1.25
David Willis due 29 sept 57	13.97
Joseph Willis due 14 oct 57	6.23
Wm Willis due 10 March 57	3.50
James Willis due 1 March 57	12.35
James B Ward due 1 sept 57	8.70
A. J. Wilson due 1 Jan 1858	6.85
James M. Young due 28 Jan 57	1.50
James M. Young or due 6 oct 57	15.92
A Young due	2.06
Thomas Vickers 20 October 57	5.84
receipt Wm Nichols	12.23
Thomas & Herd due 12 Nov 56	23.38
Wm Gage due 5-6 & 9-7	3.84
receipt on same due Nov 56	5.42
L H Horton due 1 Nov 54	5.77
John Hey receipt	

Elisha Coatt due 17 Nov 54	\$ 4.81
or by \$2.67 Jan 17 57	
George Cooper due 31 March 56	1.50
P. H. Duff due 21 oct 57	13.64
Miner & W. P. Duff due 5 Nov 55	4.15
Joseph Duff due 12 oct 57	4.87
Ely Dickson due 26 Nov 56	7.32
Stubblefield & Dillard due 12 Jan 57	14.00
P. H. Duff due 2 Apr 56	20.30
J M Dillard due 15 oct 1857	10.35
Ely Dickson due 1 sept 57	3.85
P H Duff due 21 oct 57	21.42
Francis M Eagle due 9 oct 57	2.65
Brient Pannon due 11 Apr 55	16.45
cr on same oct 57	\$ 1.19
John flecher due 1 Jan 58	5.09
Abels Pannon due 15 oct 57	22.39
Eleanor Planery due 10 oct 57	20.82
Wm Pannon due 5 oct 57	8.17
Abels Pannon due 19 oct 57	17.85
Wm G Glass due 1 Jan 58	3.15
Thomas Gillam due March 56	1.87
Lilburn & Gobbie due 8 Apr 57	17.5-



Samuel K. Gilbert due 1 march 54	<del>\$</del> 5.94
cr by cash	\$ 5.00
John Gobble due 1 Jan 58	5.13
cr on same	\$ 2.37
James Garrett due Jan 57	3.50
Wm H. Herd due 4 Apr 57	11.49
Emanuel Hodge due 23 Oct 56	4.30
Arnold P. Hammond due 29 Sept 57	3.52
Wm Hale due	.95
John V. Hargis due 1 Nov 57	1.75
Alex Hamilton due 1 Jan 53	5.45
cr on same for	\$ 11.62
A & Wm Hall due Jan 57	4.87
Wm & Amos Hall due 1 sept 57	12.56
Wm Hall due 20 Feb 56	6.12
cr on same Oct 57	\$ 2.77
A. J. Hall due 6 Oct 57	20.08
Abner G. Horton due 11 march 57	7.31
Andrew Jonson due 13 Jan 55	3.58
Thomas M. Layner due 6 Oct 57	1.70
Sam Jones due 21 Oct 57	4.79
Isaac Jonson	84



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List of notes to C. bank ~~to bank~~

1 on Wm D Nottingham & Brothers \$ 56.15  
due oct = 55-

2 Henry Barker 11.98  
due Nov 1852

3 Jacob Kindeberling 9.58  
due 11 oct 52

4 Wm Hanson 16.66  
due 5 oct 52

5 Litoral Martin 6.75  
due July 14<sup>th</sup> 1851

Winder Lawson due 18 Dec 51 25.42

G W Wilson due 16 Dec 52 15.61

er by 18 Jan 53 \$ 10.00  
Wm B. Neil due 1 Nov 54 4.68

Jasper Koller due 1 Nov 51 3.08

acct on same for 3.34

James J Bird due 18 Nov 49 5.50

John G Burke due 16 Jan 52 5.75

Hutson Danson due 29 Aug 52 4.20

receipt on Wm Nichols due 52 11.33

rest same receipt 1.00

receipt on same due march 53 14.80

or on same \$ 2.00



receipt on same due 1 march \$4.15

receipt on same due 15 march 51 7.40

acts on Book no 2 blough & co

unsettled act on Wm D Nothingham

Eli McKinney for	1.00
Isaac Robinson	18
Elisha Creech	1.25
James Tanson	1.00
John McElroy	1.80
James Garry Jr	.63
James McKinney	.60

Jonesville Lee County  
Virginia at 28 1854  
this day I have bank paid  
the note of C bank & also  
a list of the same is here  
with attached amounting  
to \$1266.63 subject to bids  
of \$159.81 also a list of unsettled  
amt amount \$190.92 subject  
to bids of \$14.87 also the  
note & amt is all of C bank & co

amounting \$217.53 subject  
to bids and some notes left  
since the listing amounting to  
\$80.83 and which C bank  
is to pay him self \$90.36  
which makes him equal with  
the amount Boggy & his  
draw of the business then  
said bank is to <sup>pay</sup> to <sup>Wm D</sup> Nothingham  
\$75.00 for buying also  
sixty eight dollars and 83 cent  
to C bank & so the net  
proceeds of the balance  
said bank is to act to  
Henry Boggy for one half  
as soon as I may <sup>be</sup> collected  
said bank is to give 10 per  
cent on all collected said  
bank is manage the debts  
in his judgment he thinks  
best for as the said debts  
is covered my loss sustained  
in said debts I am not to  
act for C bank



to bank is to pay  
out of Bagby part of  
the Hund, \$1837, also  
~~to pay the balance of~~  
to pay the balance of  
his note to Dickerson  
Estate out of the same  
when collected

Charles Cook

(A)



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:

WE COMMAND YOU TO SUMMON

*John M. Cook and Charles F. Cook, admors of Charles Cook deid*

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *1st* Monday in *May* next, to answer a bill in chancery, exhibited in our said court, against *them* by *Henry*

*Bagby*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *8th* day of *April* 18*70*, in the *94th* year of the Commonwealth.

*John B. West, D.* Clerk.



Henry Bagby

vs.  $\frac{3}{4}$  Spain ch'y.

J. M. + C. F. Cook, Adm<sup>rs</sup>

May Rules 1870.

Wm. C. Cook  
Adm<sup>r</sup> Wm. C. Cook